

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
EUGENE DISTRICT OFFICE

CATEGORICAL EXCLUSION REVIEW

A. Background

Project Name: O. & C. Logging Road Right-Of-Way Permit, December 10, 2011 – December 9, 2021

Date: November 7, 2011

Categorical Exclusion Number: DOI-BLM-OR-E060-2012-0003-CX

Location: The general project area is located in Eugene Districts Upper Willamette Resource Area T. 22 S., R. 4 W., Section 24, using Road Nos. 22-3W-19.3 and 22-3W-19.6 Seg. A and Portion of Seg. B.

Description of Proposed Action:

The Proposed action is to issue an O. and C. Logging Road Right-of-Way Permit E-1006 to Mr. Alton B. Hennings for a period not to exceed ten years from the issuance, pursuant to the authority of Title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761), subject to the terms and conditions in 43 CFR 2812 and those additional stipulations in the attached draft permit. The permit would authorize the hauling of approximately 100 MBF per year of timber over 1.15 miles of BLM controlled Road Nos. 22-3W-19.3 and 22-3W-19.6 Seg. A and Portion of Seg. B. BLM will maintain the Road Nos. 22-3W-19.3 and 22-3W-19.6.

B. Land Use Plan Conformance:

This project is in conformance the 1995 Record of Decision for the Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl (Northwest Forest Plan (NSO-ROD) USDA Forest Service and USDI Bureau of Land Management, April 1994), and the 1995 Eugene District Resource Management Plan (1995 RMP) including the 2007 Record of Decision to Remove the Survey and Manage Mitigation Standards and Guidelines from Bureau of Land Management Resource Management Plans within the Range of the Northern Spotted Owl.

C. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9(E)(16): Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM2 apply.

D. Project Design Features

The Permittee shall immediately discontinue specified use and maintenance operations over the lands or interests in lands described on Schedule 3 upon receipt of written notice from the authorized officer that threatened or endangered plants or animals protected under both the Endangered Species Act of 1973, or the Bald Eagle Protection Act of 1940, as amended, may be affected by the operation and a determination is made that consultation or reinitiation of consultation is required concerning these species prior to continuing operations. Discontinued operations may be resumed upon receipt of written instructions from the Authorized Officer.

E. Signatures:

Prepared By: (s) Jessica LeRoy Date: 11/9/11
Civil Engineering Technician

Reviewed By: (s) Christie Hardenbrook Date: 11/9/11
Environmental Coordinator

Reviewed By: (s) William O'Sullivan Date: 11/9/11
Field Manager, Upper Willamette Resource Area

Contact Person:

For additional information concerning this Categorical Review, contact: Jessica LeRoy, Civil Engineering Technician (541) 683-6274.

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**CATEGORICAL EXCLUSION REVIEW
Extraordinary Circumstances Checklist**

Proposed Action: Categorical Exclusion No. DOI-BLM-OR-E060-2012-0003-CX O. & C. Logging Road Right-Of-Way Permit, December 10, 2011 – December 9, 2021

Review the proposed action against each of the 12 “extraordinary circumstances” listed below. Any action that is normally categorically excluded must be subjected to sufficient environmental review to determine whether it meets any of the extraordinary circumstances, in which case, further analysis and environmental documents must be prepared for the action. If the criterion does not apply, indicate "Not Applicable." Any mitigation measures (such as contract stipulations or terms and conditions on permits) necessary to ensure that the proposed action qualifies as a categorical exclusion should be identified at the bottom of the page.

Extraordinary Circumstances	YES	NO
1. Have significant impacts on public health or safety. <u>Rationale:</u> The proposed activity includes the use of 1.15 miles of existing BLM road system; there is no expected cause for any drainage problems that would lead to soil instability, increased turbidity in surface water, or other effects to human health or safety in the local area.		X
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas. <u>Rationale:</u> There are no natural resources or unique geographic characteristics that would be affected by this action.		X
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]. <u>Rationale:</u> There are no predicted environmental effects from the proposed action which are considered to be highly controversial nor are there unresolved conflicts concerning alternative uses.		X
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. <u>Rationale:</u> The proposed operations are not unique or unusual. The BLM has considerable experience implementing similar actions without highly controversial, highly uncertain, or unique or unknown risks.		X
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. <u>Rationale:</u> The BLM has conducted similar actions since its inception. There is no evidence that this action will have potentially significant environmental effects and it would not establish a precedent or decision for future actions with potentially significant environmental effects.		X

Extraordinary Circumstances	YES	NO
<p>6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.</p> <p><u>Rationale:</u> Based upon review of the project, the current conditions on the ground, and proposed mitigations there would be no significant cumulative effect from allowing the haul of approximately 100 MBF per year on this well drained aggregate surfaced road. Therefore the Eugene District did not find any resource issues of concern that would be affected by this action.</p>		X
<p>7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.</p> <p><u>Rationale:</u> There are no eligible or listed properties within the proposed treatment areas.</p>		X
<p>8. Have significant impacts on species listed, or proposed to be listed, as an Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.</p> <p><u>Rationale:</u> The areas to be treated will have no significant impacts to species listed or proposed to be listed as an Endangered or Threatened Species, nor have significant impacts on designated Critical Habitat for these species. The following mitigation measures for reducing impacts to an Endangered or Threatened Species or Critical Habitat for these species would be implemented as necessary;</p> <ul style="list-style-type: none"> a) Threatened or endangered plants or animals protected under the Endangered Species Act of 1973, or the Bald Eagle Protection Act of 1940, as amended, may be affected by the operation and a determination is made that consultation or reinitiation of consultation is required concerning the species prior to continuing operations: or b) Federal proposed, federal candidate, Bureau sensitive or State listed species protected under BLM Manual 6840 Special Status Species Management have been discovered and a determination is made that continued operations would adversely affect the species or its habitat. 		X
<p>9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.</p> <p><u>Rationale:</u> The proposed action conforms to the direction given for the management of public lands in the Eugene District ROD/RMP, which complies with all applicable Federal, State, local and tribal laws.</p>		X
<p>10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 2898).</p> <p><u>Rationale:</u> There would be no adverse effect on low income minority populations. The project will create jobs.</p>		X
<p>11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).</p> <p><u>Rationale:</u> The project would have no significant impact on access to and ceremonial use of Indian sacred sites or significantly adversely affect the physical integrity of such sites.</p>		X
<p>12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).</p> <p><u>Rationale:</u> The proposed action does not result in measurable changes to the current baseline of the risk, or actual introduction, continued existence, or spread of noxious weeds or non-native invasive species in or from the project area. Existing and likely continuing activities including, but not limited to, motor vehicle traffic, recreation use, rural</p>		X

Extraordinary Circumstances	YES	NO
<p>and urban development, road construction, timber harvest, and natural processes can contribute to the introduction, existence, and spread of noxious weeds/invasive species. Vehicles accessing the project area for the proposed action would stay on existing roads (no additional roads proposed), reducing the potential of picking up and dispersing noxious weeds or seed. The proposed action does not introduce any vector for spread or introduction beyond such vectors already found.</p>		

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DECISION RECORD

Decision:

It is my decision to implement this action on BLM lands as described in the categorical exclusion documentation DOI-BLM-OR-E060-2012-0003-CX.

Land Use Plan Conformance:

The Proposed Action is in conformance the 1995 Record of Decision for the Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl (Northwest Forest Plan (NSO-ROD) USDA Forest Service and USDI Bureau of Land Management, April 1994), and the 1995 Eugene District Resource Management Plan (1995 RMP) including the 2001 Record of Decision to Remove the Survey and Manage Mitigation Standards and Guidelines from Bureau of Land Management Resource Management Plans within the Range of the Northern Spotted Owl.

Decision Rationale:

The proposed action has been reviewed by Resource Area Staff and appropriate Project Design Features as specified will be incorporated into the proposal. Based on the NEPA Categorical Exclusion Review, I have determined that the proposed action involves no significant impact to the human environment and no further analysis is required.

Administrative Remedies:

Notice of the decision to be made on the action described in this categorical exclusion will be posted on the District internet website. The action is subject to appeal to the Interior Board of Land Appeals under 43 CFR Part 4.

Authorizing Official:

(s) William O'Sullivan

William O'Sullivan
Upper Willamette Field Manager
Eugene District Office

11/9/11

Date: